

REMARKS

Status of the Application

Claims 1-15 are pending. Claims 1-3 and 6-15 are rejected. Claims 4 and 5 are objected to.

Information Disclosure Statement

With regard to the Examiner's statement concerning the irrelevancy of document Patent No. 4,484,444: There appears to be some mistake. The electronic information disclosure (IDS) statement attached to the present Office Action (that included the '444 patent as a reference) was filed January 26, 2004 with regard to a different patent application: serial number 10/605,845 (Attorney Docket Number 4094), as indicated on the IDS. Applicant did indeed file an IDS (on January 27, 2004) for the present application (serial number 10/605,866; Attorney Docket No. 4095). A paper copy of that IDS is attached to this response. Both applications, by the way, have the same inventor (Baechle), are owned by the same company (Sonoco Development, Inc.), and were filed by the same undersigned attorney one day apart in 2003. The titles, however, are different.

Section 102 Rejections

Bamburg

Claims 1, 3, 6-9, 11, 14 and 15 have been rejected under 35 U.S.C. Section 102 as being anticipated by Bamburg et al. U.S. Patent No. 4,260,071. Bamburg describes a bulk material container comprising an exterior body 12, an interior body 14, vertical posts 22, a top cap 24 and "stress reduction means" 20. The stress reduction means is a combination of two overlapping but offset joints 21, 22 formed by the interior body 14 to provide a triple thickness of protection for

the container contents.

As an initial observation, there are at least two fundamental differences between the Bamburg container and the present invention: (1) The Bamburg container is designed for bulk materials while the present invention is designed for large household appliances. Bulk materials are not damaged by stacking their containers or side impacts, since the material itself absorbs some of the load and impact. By contrast, large household appliances can be damaged from stacking and from side impacts. The present invention is designed to prevent damage to household appliances due to stacking and side impact. (2) The Bamburg container is not see-through while the present invention is. The present invention is designed to protect an appliance while still allowing the appliance to be seen through the packaging (see specification at paragraphs 0007 to 0010).

In specific response to the rejection, applicant requests cancellation of claims 1 and 3 and has changed the dependencies of claims 6, 8 and 11 so that claims 6-9, 11, 14 and 15 now depend (directly or indirectly) on base claim 4 (which has been rewritten in independent form) instead of claim 1.

Regarding claim 8, the examiner asserts that Ballard teaches a baseloid flange as required by applicant's claim 8. The structure in Ballard Figure 11 cited by the examiner as teaching a baseloid flange is not a baseloid flange, but rather part of a top cap structure commonly used to close and seal a carton. A baseloid flange is has a structure that is superficially similar to this closing structure, yet a baseloid flange requires specific design attributes, not possessed by a closing structure, to properly fit over a baseloid lifting blade and to provide lifting capabilities without tearing off the carton top cap (see, e.g. applicant's paragraph 0034). Applicant was

unable to find any teaching in Bamburg referring to this top cap closing structure as a baseloid flange. Furthermore, Bamburg teaches that his container is designed to hold over 2000 pounds of salt (col. 2, line 13). To applicant's knowledge, no baseloid flange would withstand this amount of weight.

Regarding claim 11, the examiner asserts that Ballard teaches corner posts 22 as required by claim 11. Applicant's corner posts provide stacking strength, protection from clamp handling, and are the only means of protecting the edges of the product (see, e.g., paragraphs 0005 and 0027). By contrast, Bamburg teaches that the purpose of his "separation posts" 22 is to provide a void space 25 to protect the container from punctures and to provide for expansion of the packages products (col. 8, lines 25-32), but does not teach or suggest that these posts can withstand stacking forces.

Ballard

Claims 1-3 and 9-15 have been rejected under 35 U.S.C. Section 102 as being anticipated by Ballard U.S. Patent No. 4,226,327. Ballard describes a composite package for an appliance comprising a bottom member having a rear panel 18 and a baseloid flange 36 (Figure 5).

In response, applicant again request cancellation of claims 1 and 3.

Claim 2 has been amended to include all the limitations of base claim 1 and also to better distinguish Ballard. According to the examiner, Ballard discloses a flange 36 below the top surface of an appliance 6. Applicant submits that amended claim 2 is not anticipated by Ballard for at least the following reason. Amended claim 2 requires that the baseloid flange be located "below the top of the cabinet at a location that enables the package to be lifted by the bottom member." This limitation is supported in the specification as filed at paragraph 0036 and is an

important feature because it prevents trapezoiding when the package is lifted and carried by a baseloid truck (paragraph 0036). Ballard, by contrast, teaches a baseloid flange that starts at the top of the product (Fig. 5) and extends below the top of product. More importantly, in Ballard the intent is to lift the unit from the cover element 4, not from a bottom member as required by amended claim 2.

Claims 9-11 have been amended so that claims 9-15 are now dependent on independent claim 4.

Regarding claim 11, it requires corner posts which in practice are separate items and provide stacking strength and lateral protection. By contrast, Ballard's "corner posts" 26 are an integral part of the container.

Allowable Claims

Applicants note with appreciation the Examiner's statement that claims 4 and 5 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have amended claim 4 accordingly.

New Claims

Applicant request the allowance of new claims 16-18. Claim 16 requires, among other things, "an upwardly extending rear panel terminating in a top edge located below the top of the appliance cabinet" which neither Bamburg nor Ballard teaches.

Summary

It is believed that this paper constitutes a complete response to the Office Action mailed March 7, 2005, and an early and favorable action allowing claims 2 and 4-18 is respectfully requested. The Examiner is invited to telephone Applicant's undersigned attorney if any

unresolved matters remain.

Respectfully submitted,

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